

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:13cv40**

DUKE ENERGY CAROLINAS, LLC,)

Plaintiff,)

v.)

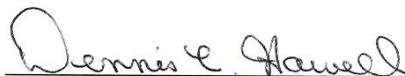
**FRONTIER COMMUNICATIONS OF
THE CAROLINAS, LLC,**)

Defendant.)

ORDER

Pending before the Court is the Motion to Transfer [# 23]. Defendant moves to transfer this case to the United States District Court for the Eastern District of North Carolina or, in the alternative, to stay this litigation pursuant to the primary jurisdiction doctrine to allow the Federal Communications Commission to determine the rate that Plaintiff may charge Defendant for its use of utility poles. Upon a review of the record, the Court **STAYS** this case pending a ruling on the Motion to Transfer [# 23]. If the Court denies the motion[# 13], then the Court will enter a Third Amended Pretrial Order in this case to allow the parties additional time to conduct any discovery and file any motions.

Signed: July 15, 2014



Dennis L. Howell
United States Magistrate Judge

